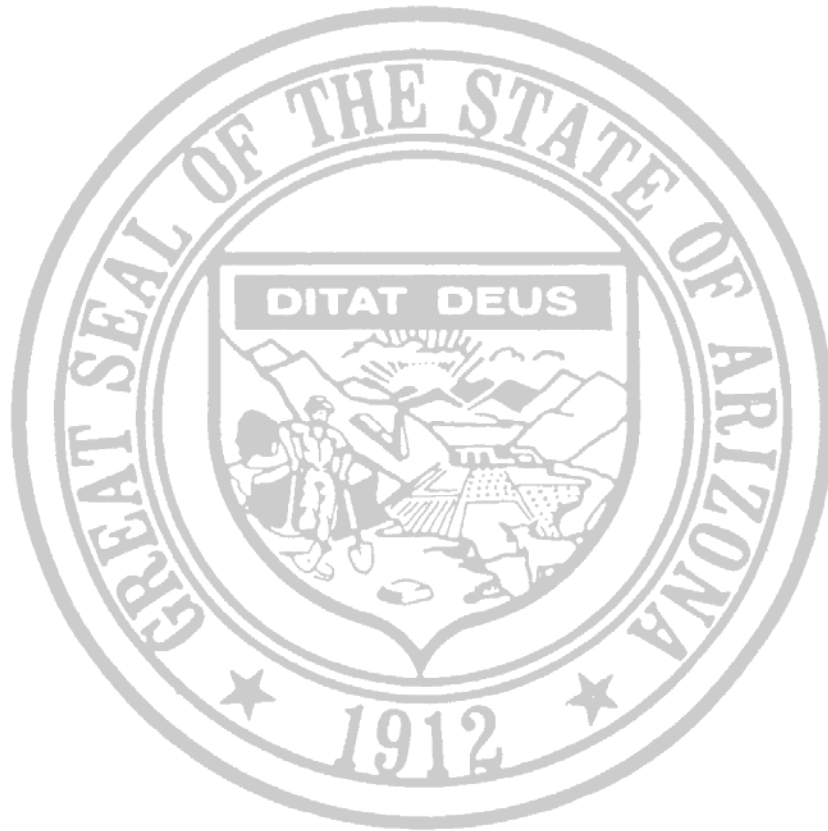


# **Arizona**

## **Methods of Administration**

### **Workforce Investment Act**



#### **Element Five:**

#### **Section 504 Compliance**

<b>ELEMENT FIVE</b>
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<b>COMPLIANCE WITH SECTION 504 OF THE REHABILITATION ACT OF 1973</b>
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**Purpose:**

The State addresses how it and its recipients comply with the disability related requirements of WIA Section 188; Section 504 of the Rehabilitation Act of 1973, as amended; and their implementing regulations, including but not limited to 29 CFR 37.7, 37.8, and 37.9 and Subparts B and C of 29 CFR Part 32.

**Narrative:**

This narrative will address the Arizona response incorporating the Arizona Department of Economic Security (DES) obligations under the Rehabilitation Act of 1973, Section 504 and its amendments, and the Americans With Disabilities Act of 1990.

- **Describe how the State ensures that recipients meet their obligation not to discriminate on the basis of disability (29 CFR 32.12 (a), 32.26, and 37.7).**

The DES Director has designated a Coordinator to implement the Americans with Disabilities Act as required by 28 CFR 35.107. The Coordinator:

- Chairs and facilitates the ADA Coordinating Committee;
- Coordinates with the Department's Training Unit for the development and delivery of basic training on ADA matters;
- Serves as the DES contact for the Arizona Office on Americans with Disabilities (AOAD);
- Facilitates implementation of AOAD's policies and procedures within DES having statewide application;
- Coordinates the implementation of all aspects of ADA within DES, including the Department's Transition Plan;
- Monitors and assesses the implementation of ADA within DES; and
- Appoints the rotating members for the Reasonable Accommodation Review Panel.

The State of Arizona has written policies and procedures to ensure that recipients meet their obligations not to discriminate on the basis of disability and their responsibility to provide reasonable accommodations both structural and programmatic. Ongoing training and monitoring ensures that the Local Workforce Investment Areas (LWIAs) continue to meet their obligation not to discriminate. DES has conducted site assessments in accordance with the ADA. Besides the written policy, the Arizona State Uniform Terms and Conditions require all contractors to meet the requirements of the ADA.

The Rehabilitation Services Administration (RSA) and the Arizona Industries for the Blind are two programs within DES committed to providing services to individuals with disabilities and are continually improving those services. The DES Strategic Plan supports outreach, marketing programs, provision of assistive technology, employer

education, and resource development to improve the employment opportunities of individuals with disabilities not only through specific rehabilitation program areas but throughout the entire system.

The State requires each LWIA to provide a letter verifying completion of their ADA self-evaluation checklist. The LWIA EO Officers will be trained and made aware of ADA Regulations and the implementation process. Arizona's monitoring procedures for the LWIAs were updated in 2005 to include documentation where all areas are reviewed and in any area of failure to comply, a follow-up is done to ensure compliance. The monitoring includes both structural and programmatic accommodations.

- **Provide reasonable accommodation for individuals with disabilities (29 CFR 32.13 and 29 CFR 37.8):**

The DES ADA Coordinating Committee is the responsible party providing oversight in the area of "reasonable accommodations." A guidance policy has been issued which agencies can adapt as necessary. Included are areas of making a request for accommodations, evaluating the request, procedure of denial of a request along with other areas pertaining to the accommodation requested. Supervisors and managers are provided training classes in order to support their integral role in this process and identify the resources available. All new employees are required to attend New Employee Orientation Training where the Reasonable Accommodation Policy is introduced.

- **Provide reasonable modification of policies, practices, and procedures (29 CFR part 37.8):**

Title II of the ADA requires that programs, services and activities of State and local governments are accessible to and usable by individuals with disabilities. DES program manuals provide specific policy and procedures for providing reasonable modification for program participants. AOAD provides general guidance on fair and equal access to communication for individuals with disabilities.

- **Provide architectural accessibility for individuals with disabilities (29 CFR 32.28)**

Arizona has in place and follows a strict statutory guideline for architectural accessibility for individuals with disabilities. One of the most effective means of providing integrated program services is through the development of a welcoming, inclusive environment. DES exceeds the minimum requirements of both State and Federal guidelines. Most programs for the disabled are administered by the Department of Economic Security and setting the example for the rest of the State is felt to be a duty and obligation to the clients we serve.

- **Provide programmatic accessibility for persons with disabilities (29CFR part 32.27)**

Arizona State policy provides for communication/program accessibility for individuals with disabilities. It requires that such communication and program accessibility is as effective for disabled individuals as those who are not disabled. Arizona also utilizes auxiliary aids and a telephone system that meets this “equally effective” requirement. These aids do not currently include TTY/TDD at the State level, but the State will implement TDD/TTY service at the EA/WIA Section by the end of September, 2006. In the interim, relay service is available and will be used.

- **Provide for and adhere to a schedule to evaluate job qualifications to ensure that the qualifications do not discriminate on the basis of disability. (See 29 CFR 32.14.)**

The DES Policy and Procedures Manual states that each DES employee must have a position description that accurately describes current responsibilities/functions of the position and identifies essential functions of the job. Essential functions must be confirmed or reestablished regularly. The Personnel Liaison in each Administration within DES reviews all Position Description Questionnaires (PDQs or job descriptions) to ensure that the qualifications for each job do not discriminate on the basis of disability.

- **Ensure the confidentiality of medical information provided by registrants, applicants, eligible applicants/registrants, participants, employees, and applicants for employment. (See 29 CFR 32.15.)**

State policy provides for the confidentiality of information collected and maintained regarding the disabilities of individuals. Medical information obtained in the course of a post-offer medical examination or inquiry may be provided to and used by appropriate decision-makers involved in the hiring process in order to make employment decisions consistent with the ADA. The following are allowed access to confidential information on a need-to-know- basis: supervisors and managers, first aid and safety personnel, and employers (once a conditional offer of employment has been made). When medical information is needed for program eligibility or affects participation activities it is kept in a sealed envelope for eligible applicants, registrants, and participants.

- **Administer their WIA Title I financially assisted programs and activities so that each individual with a disability participates in the most integrated setting appropriate to that individual. (See 29 CFR 37.7(d).)**

In the EO Monitoring Tool, LWIA EO Officers were asked about their universal access obligations with the following question:

“How does the recipient ensure that each individual with a disability participates in the most integrated setting appropriate to that individual?”

DES/RSA has worked closely with all LWIAs to ensure that individuals with disabilities participate in the most integrated setting appropriate to each individual. Resource rooms are equipped to accommodate individuals with physical disabilities as well as hearing and vision impaired to provide universal access to all customers entering the One-Stop Career Centers. The Navigator program provides assistance for customers with disabilities at One-Stop Centers for each LWIA.

- **Are able to communicate with persons with disabilities as effectively as with others (29CFR part 37.9).**

In the EO Monitoring Tool, LWIA EO Officers were asked about their ability to communicate with persons with disabilities as effectively as with others:

“ ...

- a. How does the recipient ensure that communication with persons with disabilities is as effective as communication with others? “

DES/RSA has worked with all the One-Stops in Arizona to ensure effective communication with persons with disabilities. Each comprehensive One-Stop Career Center is equipped at least one workstation specifically designed to be used by customers with disabilities. These workstations are equipped with software and hardware tools and equipment such as JAWS Pro v.5.1, Zoom Text level 2 v. 7.0, Clarity desk mate CCTV with 19” flat panel monitor, D/HoH coupler style TTY to use with phone bank, B/VI ADA PC w/ 19” flat panel monitor, PH Mayline 48”; SitMatic ergonomic chair; “wave” style ergo keyboard, touchpad, mouse, and Dragon Dictate Naturally Speaking voice transcription computer software; with all windows features accessible via hot keys. In addition, One-Stop Centers have bi-lingual staff and access to sign language services.